



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE JUNE 9, 2011 GENERAL SESSION

1. Call to Order

Chairman MacKay called the General Session to Order at approximately 9:35a.m.

2. Roll Call

Present in Las Vegas: Commissioner Michael J. Kloberdanz, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief Investigator Michael Bradford, Senior Deputy Attorney General David Newton. Present in Reno: Chairman Andrew J. MacKay, Deputy Commissioner Marilyn Skibinski. Present telephonically: Commissioner Monica B Metz

3. Pledge of Allegiance

Chairman MacKay led a recital of the Pledge.

4. **Approval of Agenda

Administrative Attorney James Day requested Item 12(a)4 Docket No. 11-02013 PDQ Towing, LLC, Item 12(a)6 Docket No. 11-03018 Shine 'N Chrome, LLC, and Item 12(b)3 Citation 14481 issued to James Gregory Black be removed per the request of Authority Staff and stated Item 12(b)17 should be initialed "AJM" rather than "MBM." Approved 3-0 as amended.

5. **Approval of the Minutes of the April 28, 2011 Agenda Meeting

Approved 3-0

6. Briefings from the Commissioners

Chairman MacKay summarized the legislative changes that would impact the Authority and the regulated business community. Chairman MacKay and Commissioners Kloberdanz and Metz expressed their thanks to departing Supervisory Investigator Ruben Aquino for his dedicated and exemplary service to the Authority.

7. Briefing from the Deputy Commissioner

Deputy Commissioner Skibinski thanked Ruben Aquino for his assistance and service.

8. Report of Legal Counsel

Senior Deputy Attorney General David Newton reported the Handicab matter is set for briefing on June 27, 2011, with reply brief due July 20, 2011. SDAG Newton further noted recent open meeting law changes regarding public comment that will require the Authority to adjust the format of its agendas.

9. **Applications for Fully Regulated Carriers

- a) **Docket No. 10-07038** The Joint Application of the Sampoul Family Trust to transfer and of Colonial Van & Storage, Inc. to acquire 50% of the corporate stock of Colonial Van & Storage, Inc., authorized to provide transportation of household goods under CPCN 3151, Sub1. Staff investigation concluded.

Chairman MacKay summarized the Application. Attorney Patrick Fagan, appearing on behalf of Applicant Colonial Van & Storage, thanked Staff for their consideration. Approved 3-0

- b) **Docket No. 10-08020** The Application of Shaul Marketing, Inc. d/b/a Triple 7 Movers for expansion of operating authority under Certificate of Public Convenience and Necessity (CPCN) 3350. Staff investigation concluded.

Chairman MacKay summarized the Application. Owner Tom Dadon, appearing on behalf of Triple 7 Movers, thanked staff for their cooperation and consideration. Commissioner Metz requested that a review of the Applicant's written estimates and the corresponding invoices be included as a compliance item in the Order. Approved 3-0

- c) **Docket No. 11-04002** The Application of Trade Show Services, LTD d/b/a Pro-Tect Security for a contract carrier permit to provide prisoner transportation services pursuant to a contract with the State of Nevada. Applicant's request for interim/temporary approval of their Application due to exigent circumstances. Staff investigation of Request concluded.

Chairman MacKay summarized the Application. Steve Sammut, Senior Director, appearing on behalf of Pro-Tect Security, summarized company procedures/services. A discussion ensued as to number of carriers currently certificated to provide this type of service and the extent of any exigent circumstances. Liz Babcock requested that the request be granted for a 90-day period. Administrative Attorney James Day indicated there was a deadline for Petitions for Leave to Intervene of June 17, 2011. Approved for a period of 90 days pending no petitions for leave to intervene being received, 3-0.

- d) **Docket No. 11-04020** The Application of Douglas Parking, LLC for an expansion of operating authority granted under Contract Carrier Permit MV 6144 to provide passenger transportation services pursuant to a contract with the Cosmopolitan Hotel. Applicant's request for interim/temporary approval of their Application due to exigent circumstances. Staff investigation of Request concluded.

Attorney Kimberly Maxson-Rushton, present on behalf of Douglas Parking, summarized the Request. Andy Storm, General Manager for Douglas Parking, summarized the details of the services. Discussion regarding the details of the Request ensued. As this is an additional contract for a currently certificated carrier, the Commissioners agreed that exigent circumstances need not exist for the Request to be granted. Liz Babcock requested that the request be granted for a 90-day period. Approved for a period of 90 days, 3-0.

10. **Financial Rates and Tariffs

- a) **Docket No. 10-11007** The Application of C & J Development Enterprises, Inc. d/b/a Custom Towing for approval of a tariff rate modification for tow car services conducted under Certificate of Public Convenience and Necessity (CPCN) 7061 Staff investigation concluded.

Yvonne Shelton summarized and indicated staff changes/deletions to the tariff modification request. Cyndi Causey, co-owner of Custom Towing and Christopher Benner, legal counsel for Custom Towing, were present. A lengthy discussion ensued as to allowable mileage charges, hourly rates, and the definition of police requested tows vs. consent tows. John Rubins from AAA Insurance asked to have the business practice

of cash only payment for towed vehicles be addressed as well. Item was tabled until a future General Session by a vote of 3-0.

- b) **Docket No. 11-02010** The Application of Earth Limousines, LLC d/b/a Earth Limos for approval of a tariff rate modification for charter limousine services conducted under Certificate of Public Convenience and Necessity (CPCN) 1108. Staff investigation concluded.

Yvonne Shelton summarized and expressed staff support for the Application. Lou Castro was present on behalf of Earth Limos, LLC. Approved 3-0.

- c) **Docket No. 11-03027** The Application of Seiji, LLC d/b/a Seiji Limousines for approval of a tariff rate modification for charter limousine services conducted under Certificate of Public Convenience and Necessity (CPCN) 1111, Sub 1. Staff investigation concluded.

Yvonne Shelton summarized and expressed staff support for the Application. Commissioner Metz requested a verbiage change from “may be charged” to “will be charged.” Approved 3-0 pending verbiage change.

- d) **Docket No. 11-05005** The Application of Ritz Transportation, Inc. for approval of a tariff rate modification for airport transfer services conducted under Certificate of Public Convenience and Necessity (CPCN) 1089, Sub 1. Staff investigation concluded.

Items 10(d) and (e) were considered collectively. Yvonne Shelton summarized the Applications and expressed staff support for approval. Approved 3-0

- e) **Docket No. 11-05006** The Application of Ritz Transportation, Inc. for approval of a tariff rate modification for airport transfer services conducted under Certificate of Public Convenience and Necessity (CPCN) 2055, Sub 1. Staff investigation concluded.

Considered with Item 10(d).

- f) **Docket No. 11-05017** The Application of Bell Trans for approval of a tariff rate modification for charter and special services conducted under Certificate of Public Convenience and Necessity (CPCN) PSC 1023, Sub 1. Staff investigation concluded.

Yvonne Shelton summarized and expressed staff support for the Application. Jeff Silver was present on behalf of Bell Trans. Approved 3-0

11. **Petitions to Deviate from Regulation:

- Docket No. 11-03022** Pursuant to NAC 706.1305, LifeTrans, Inc. (CPCN 1114) requests deviation from NAC 706.032 and 706.354 in order to allow the carrier to operate without preparing charter orders. Staff investigation concluded.

Kimberly Maxson-Rushton was present on behalf of the Applicant and summarized the petition.

Commissioner Metz requested that the order reflect that NAC 706.281 signage requirements be met.

Approved 3-0.

12. **Consent Items

Chairman MacKay summarized the applications and stated Items 12(a)(2), (3) and (5) would be considered collectively. Approved 3-0

- a) Applications for Certificates of Public Convenience and Necessity to Provide Tow Car Service

- 1) **Docket No. 10-08010** The Application of Interstate Towing, LLC d/b/a Interstate Towing for a Certificate of Public Convenience and Necessity to provide tow car service by tow car vehicle within the State of Nevada. Move to Dismiss. Staff investigation concluded.

Applicant failed to appear – Application dismissed by a vote of 3-0.

- 2) **Docket No. 10-11005** The Joint Application of Anthony J. Malero d/b/a A & G Towing & Storage for authority to sell and transfer and A & G Towing & Storage, Inc. to purchase and acquire the authority to provide tow car service by tow car vehicle within the State of Nevada granted under Certificate of Public Convenience and Necessity (CPCN) 7169. Staff investigation concluded.
- 3) **Docket No. 11-01019** The Application of Patrick H. Kelso d/b/a Towing & Recovery Solutions for a Certificate of Public Convenience and Necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.
- 4) **(removed)Docket No. 11-02013** The Application of PDQ Towing, LLC for a Certificate of Public Convenience and Necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.
- 5) **Docket No. 11-03001** The Application of Rosa Castaneda d/b/a Economy Towing for a Certificate of Public Convenience and Necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.
- 6) **(removed) Docket No. 11-03018** The Application of Shine 'N Chrome, LLC for a Certificate of Public Convenience and Necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

b) Administrative Citations and Impoundments

Item 12(b)(3), and Item 12(b)(24) were removed.

Items 12(b)(1) and (2) and Items 12(b)(4) through (23) and Items 12(b)(25) and (26) were considered collectively and approved by a vote of 3-0

- 1) **Citation 14469** issued to Daniel R. McDermott for a violation of NAC 706.228 as amended by LCB File No. R127-07. (AJM)
- 2) **Citation 14471** issued to A & B Logistics, Inc. d/b/a Alpine Taxi for a violation of NRS 706.386. (AJM)
- 3) **Removed - Citation 14481** issued to James Gregory Black for violations of NRS 706.386 and NRS 706.758. (AJM)
- 4) **Citation 14482** issued to Travis Ronald Ash for violations of NRS 706.386 and NRS 706.758. (AJM)
- 5) **Citation 14483** issued to Dell Eugene McIrvin for a violation of NAC 706.228 as amended by LCB File No. R127-07. (AJM)
- 6) **Citation 14484** issued to Jackie Ray Anderson for a violation of NAC 706.228 as amended by LCB File No. R127-07. (AJM)

- 7) **Citation 14485** issued to Richard David Garman for violations of NAC 706.247/49 CFR 391.41 and NAC 706.247/ 49 CFR 382.305. (AJM)
- 8) **Citation 15407** issued to Swift Budget Towing and/or David Perez for violations of NRS 706.386 and NRS 706.758. (MJK)
- 9) **Citation 15415** issued to Abdiaziz A. Hussein for a violation of NAC 706.228. (MJK)
- 10) **Citation 15417** issued to Stephen A. Murphy for violations of NRS 706.386 and NRS 706.758. : (MJK)
- 11) **Impound 1760.** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul Co. of Arizona. (MJK)
- 12) **Impound 1862.** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul Co. of Arizona. (MJK)
- 13) **Impound 1759 and Citation 15416.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15416 issued to Jennifer Lovelady for violations of NRS 706.386 and NRS 706.758. (MJK)
- 14) **Impound 1859 and Citation 15438.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15438 issued to Edoardo Hillyer for violations of NRS 706.386 and NRS 706.758. (MJK)
- 15) **Impound 1869 and Citation 14680.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 14680 issued to Michael L. Williams for violations of NRS 706.386 and NRS 706.758. (MJK)
- 16) **Citation 15214** issued to Saul Ortiz Mendoza for violations of NRS 706.386 and NRS 706.758. (MBM)
- 17) **Impound 1531.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Sunset Limousine Service, LLC. (MBM)
- 18) **Impound 1860.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Jose Mario Horta-Perez. (MBM)
- 19) **Impound 1866 and Citation 15425.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15425 issued to Michael J. Dunn for violations of NRS 706.386 and NRS 706.758. (MBM)
- 20) **Impound 1867 and Citation 15451.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15451 issued to Phat Van Phan for violations of NRS 706.386 and NRS 706.758. (MBM)

21) Impound 1868 and Citation 15216. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15216 issued to Andrew Frederick Bock for violations of NRS 706.386 and NRS 706.758. (MBM)

22) Citation 14468 issued to Johnny Gutierrez for a violation of NAC 706.247/49 CFR 391.41.

23) Citation 15215 issued to Peter Caris for violations of NAC 706.354 and NAC 706.329.

24) Citation 15374 issued to Quality Towing for violations of NAC 706.420 (24 counts) and NAC 706.311 (11 counts).

Senior Deputy Attorney General Newton summarized the Citation, subsequent order and payment of refunds. Approved 3-0.

25) Citation 15419 issued to Century Towing for a violation of NRS 706.4477.

26) Citation 15420 issued to Gerald Ray Gooch for a violation of NAC 706.354.

13. Public Comment

Michael Keller, AAA Insurance, requested information as to the progress of the model tariff and clarification of definitions. Chairman MacKay indicated the delay was due to the current legislative session and that Staff would be working toward completion. Mr. Keller questioned the application of AB142 that becomes effective October 1, 2011. Chairman MacKay briefly discussed the procedure that will be used to insure compliance of the tow companies.

14. Adjournment

Chairman MacKay adjourned the General Session at approximately 12:20p.m.

**** Denotes the Authority is expected to consider and may take action on this matter.**